

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Legislative Meeting  
1150 Bayview, Petoskey, MI 49770  
April 16, 2000  
9:30 a.m.

**Closed Session:** Yes

**Called to Order:** Meeting was called to order at 9:47 a.m.

**Council Present:** Chairman Gerald V. Chingwa, Vice-Chairman George Anthony, Secretary Dorothy Gasco, Councilor Alice Yellowbank, Councilor Janet Shomin and Councilor Susan Wysocki. Treasurer Rita Shananaquet excused for the morning session.

**Staff Present:** See attached list

**Guests:** See attached list

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**Motion** made by **Councilor Anthony** and **Supported** by **Councilor Yellowbank** to adopt the Agenda as presented and amended.

**Vote:** 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shananaquet**)

**Motion Carried**

**Motion** made by **Councilor Anthony** and **Supported** by **Councilor Wysocki** to accept the minutes for the meeting dated April 02, 2000, as corrected.

**Vote:** 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shananaquet**)

**Motion Carried**

**Motion** made by **Councilor Shomin** and **Supported** by **Councilor Yellowbank** to adopt **Phone Poll #033000-01**, Opposition to H.R. 1960 and H.R. 2 with Respect To Tribal Education Department Appropriations Authorization Through the U.S. Department of Education into the record.

**Vote:** 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shananaquet**)

**Motion Carried**

**Motion** made by **Councilor Yellowbank** and **Supported** by **Councilor Anthony** to adopt **Phone Poll #033000-02**, Asking Congress To Make A Special Request For A Line Item In The FY 2001 Budget For Tribal Education Department Funding Through The U.S. Department of the Interior into the record.

**Vote:** 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shananaquet**)

**Motion Carried**

**Motion** made by **Councilor Anthony** and **Supported** by **Councilor Shomin** to adopt **Phone Poll #033000-03**, Asking Congress To Make A Special Request For A Line Item In The FY 2001 Budget For Tribal Education Department Funding Through The U.S. Department Of Education into the record.

**Vote:** 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shananaquet**)

**Motion Carried**

**Motion** made by **Councilor Shomin** and **Supported** by **Councilor Wysocki** to adopt **Phone Poll #040400-01**, To Request Funding From the Bureau Of Indian Affairs In The Amount of \$41,700 To Assist In The Planning Of Transportation Activities.

**Vote:** 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shananaquet**)

**Motion Carried**

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**Motion** made by **Councilor Shomin** and **Supported** by **Councilor Yellowbank** to adopt **Resolution #041600-01, NAGPRA Representative**, reaffirming designation for Wesley Andrews as the LTBB official representative.

**Vote:** 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shananaquet**)  
**Motion Carried**

**Motion** made by **Councilor Wysocki** and **Supported** by **Councilor Anthony** to postpone any NRC action until later this afternoon after Albert Colby arrives.

**Vote:** 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shananaquet**)  
**Motion Carried**

**Motion** made by **Councilor Yellowbank** and **Supported** by **Councilor Shomin** to postpone any action on the Education Department's proposal until the Tribal Administrator's report.

**Vote:** 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shananaquet**)  
**Motion Carried**

**Motion** made by **Councilor Shomin** and **Supported** by **Councilor Wysocki** to move forward on the agenda, items a. US v. MI, item b. Petition, and item c. LTBB Community Meeting, under Other Business for immediate consideration.

**Vote:** 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shananaquet**)  
**Motion Carried**

**Council Arrives:** Councilor Shananaquet arrives at 10:25 a.m.

**Motion** made by **Councilor Shomin** and **Supported** by **Councilor Wysocki** to approve mileage, stipend and per diem for Councilor Anthony to attend the US v. MI negotiations on April 24<sup>th</sup> and 25<sup>th</sup>, 2000.

**Vote:** 6 Yes 0 No 1 Abstained (**Councilor Anthony**) 0 Absent  
**Motion Carried**

**Motion** made by **Councilor Shananaquet** and **Supported** by **Councilor Anthony** to postpone any action on the Petition submitted until the afternoon when James Bransky, LTBB Staff Attorney would be present.

**Vote:** 7 Yes 0 No 0 Abstained 0 Absent  
**Motion Carried**

**Motion** made by **Councilor Anthony** and **Supported** by **Councilor Shananaquet** to move NRC forward on the agenda for immediate consideration.

**Vote:** 7 Yes 0 No 0 Abstained 0 Absent  
**Motion Carried**

**Motion** made by **Councilor Gasco** and **Supported** by **Councilor Anthony** to adopt **Resolution #041600-02, Priorities For Great Lakes Fishing Access.**

**Vote:** 7 Yes 0 No 0 Abstained 0 Absent  
**Motion Carried**

**Public Comment:** Called at 11:26 a.m. Comment provided by Rosemary Knapp, Carter McFall and Robin Gould.

**Public Comment:** Closed at 11:40 a.m.

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**Recess:** Called at 11:41 a.m. with meeting reconvening at 1:08 p.m.

**Motion** made by **Councilor Wysocki** and **Supported** by **Councilor Shananaquet** to approve the submission of the Education Department grant application for Federal Education Assistance.

**Vote:** 6 Yes 1 No (**Councilor Shomin**) 0 Abstained 0 Absent

**Motion Carried**

**Motion** made by **Councilor Shananaquet** and **Supported** by **Councilor Shomin** to enter into closed session for personnel discussions at 1:40 p.m.

**Vote:** 7 Yes 0 No 0 Abstained 0 Absent

**Motion Carried**

**Motion** made by **Councilor Wysocki** and **Supported** by **Councilor Shomin** to return to open session at 2:25 p.m.

**Vote:** 7 Yes 0 No 0 Abstained 0 Absent

**Motion Carried**

**Recess:** Called at 2:25 p.m. with meeting reconvening at 2:32 p.m.

**Motion** made by **Councilor Shomin** and **Supported** by **Councilor Shananaquet** for the LTBB Health Department to enter into the Memorandum of Agreement with the State of Michigan based upon the review and recommendation of the LTBB Staff Attorney and to further authorize the Tribal Chairman to sign the agreement.

**Vote:** 5 Yes 2 No (**Councilors Yellowbank and Anthony**) 0 Abstained 0 Absent

**Motion Carried**

**Motion** made by **Councilor Shomin** and **Supported** by **Councilor Shananaquet** to postpone any action on the Three Fires Substance Abuse Fee Agreement until the May 7, 2000 administrative session.

**Vote:** 7 Yes 0 No 0 Abstained 0 Absent

**Motion Carried**

**Motion** made by **Councilor Shomin** and **Supported** by **Councilor Shananaquet** to postpone any action on the Election Statute until the next legislative session on May 21, 2000.

**Vote:** 5 Yes 2 No (**Councilor Wysocki and Anthony**) 0 Abstained 0 Absent

**Motion Carried**

**Public Comment:** Called at 3:20 p.m.

**Public Comment:** Closed at 3:21 p.m.

**Motion** made by **Councilor Anthony** and **Supported** by **Councilor Yellowbank** to move the scheduled closed session discussion with LTBB Attorney James Bransky down on the agenda to Other Business.

**Vote:** 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shananaquet**)

**Motion Carried**

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**Motion** made by **Councilor Anthony** and **Supported** by **Councilor Gasco** to adopt **Resolution #041600-03, Gaming Administration Authorization To Borrow Money From National City Bank For Purchase Of Class III Machines.**

**Roll Call Vote:** Gerald Chingwa-Yes, George Anthony-Yes, Dorothy Gasco-Yes, Rita Shananaquet-No, Janet Shomin-No, Alice Yellowbank-Yes and Susan Wysocki-Yes.

**Motion Carried**

**Motion** made by **Councilor Shomin** and **Supported** by **Councilor Shananaquet** to appoint Robin Gould to the Gaming Administration for a three (3) year term beginning 04/16/00 and ending 04/16/03.

**Vote: 4** Yes    **1** No (**Councilor Yellowbank**)    **2** Abstained (**Councilor Wysocki/Anthony**)  
**0** Absent  
**Motion Carried**

**Motion** made by **Councilor Shomin** and **Supported** by **Councilor Shananaquet** to appoint Carol McFall to the Gaming Administration for a three (3) year term beginning 04/16/00 and ending 04/16/03.

**Vote: 4** Yes    **1** No (**Councilor Yellowbank**)    **2** Abstained (**Councilor Wysocki/Anthony**)  
**0** Absent  
**Motion Carried**

**Motion** made by **Councilor Gasco** and **Supported** by **Councilor Shomin** to appoint Regina Kiogima to the Gaming Administration for a two (2) year term beginning 04/16/00 and ending 04/16/02.

**Vote: 4** Yes    **1** No (**Councilor Yellowbank**)    **2** Abstained (**Councilor Wysocki/Anthony**)  
**0** Absent  
**Motion Carried**

**Motion** made by **Councilor Gasco** and **Supported** by **Councilor Shananaquet** to appoint Marilyn Williams to the Gaming Administration for a two (2) year term beginning 04/16/00 and ending 04/16/02.

**Vote: 3** Yes    **3** No (**Councilors Yellowbank, Shomin and Shananaquet**)    **1** Abstained (**Councilor Wysocki**)    **0** Absent  
**Motion Fails**

**Public Comment:** Called at 6:35 p.m. Comment provided by Marie Simmons, Rosemary Knapp, Carter McFall, John Kenyon, Juanita Rogers, Paul Booth, Mary Lou Rodriguez, John Bott and Scott McMillan.

**Public Comment:** Closed at 7:10 p.m.

**Motion** made by **Councilor Gasco** and **Supported** by **Councilor Anthony** to enter into closed session at 7:18 p.m. for purposes of legal discussions.

**Vote: 6** Yes    **0** No    **0** Abstained    **1** Absent (**Councilor Shomin**)  
**Motion Carried**

**Motion** made by **Councilor Shananaquet** and **Supported** by **Councilor Yellowbank** to return to open session at 7:45 p.m.

**Vote: 7** Yes    **0** No    **0** Abstained    **0** Absent  
**Motion Carried**

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**Motion** made by **Councilor Anthony** and **Supported** by **Councilor Wysocki** to adopt **Resolution #041600-04, Authorizatoin For Execution Of Deeds And Escrow Of Taxes.**

**Roll Call Vote:** George Anthony-Yes, Gerald Chingwa-Yes, Dorothy Gasco-Yes, Rita Shananaquet-Yes, Janet Shomin-Yes, Susan Wysocki-Yes and Alice Yellowbank-Yes

**Motion Carried**

**Motion** made by **Councilor Gasco** and **Supported** by **Councilor Anthony** to adopt **Resolution #041600-05, Reaffirmation Of Resolution #04119902**, regarding choice of forum with Northern Michigan Title Company.

**Roll Call Vote:** George Anthony-Yes, Gerald Chingwa-Yes, Dorothy Gasco-Yes, Rita Shananaquet-Yes, Janet Shomin-Yes, Susan Wysocki-Yes and Alice Yellowbank-Yes

**Motion Carried**

**Motion** made by **Councilor Anthony** and **Supported** by **Councilor Yellowbank** to postpone any action regarding establishment of the Police Commission until the legislative session on May 21, 2000.

**Vote:** 7 Yes 0 No 0 Abstained 0 Absent

**Motion Carried**

**Motion** made by **Councilor Shomin** and **Supported** by **Councilor Shananaquet** to adopt **Waganakising Odawak Statute 2000-03, Foreclosure Code Of The Little Traverse Bay Bands Of Odawa Indians Tribe.**

**Roll Call Vote:** George Anthony-Yes, Gerald Chingwa-Yes, Dorothy Gasco-Yes, Rita Shananaquet-Yes, Janet Shomin-Yes, Susan Wysocki-Yes and Alice Yellowbank-Yes

**Motion Carried**

**Motion** made by **Councilor Shomin** and **Supported** by **Councilor Shananaquet** to adopt **Waganakising Odawak Statute 2000-04, Eviction Code Of The Little Traverse Bay Bands Of Odawa Indians Tribe.**

**Roll Call Vote:** George Anthony-Yes, Gerald Chingwa-Yes, Dorothy Gasco-Yes, Rita Shananaquet-Yes, Janet Shomin-Yes, Susan Wysocki-Yes and Alice Yellowbank-Yes

**Motion Carried**

**Motion** made by **Councilor Shananaquet** and **Supported** by **Councilor Anthony** to postpone any action on the Lease Inheritance Code until the next legislative session on May 21, 2000.

**Vote:** 7 Yes 0 No 0 Abstained 0 Absent

**Motion Carried**

**Motion** made by **Councilor Shomin** and **Supported** by **Councilor Shananaquet** to postpone any action on the Commission, Boards and Committees Statue until the next legislative session on May 21, 2000.

**Vote:** 7 Yes 0 No 0 Abstained 0 Absent

**Motion Carried**

**Motion** made by **Councilor Shananaquet** and **Supported** by **Councilor Shomin** to authorize Attorney Bransky to send a copy of the amended letter to the presenter of the petition regarding the Gaming Administration Ordinance.

**Vote:** 7 Yes 0 No 0 Abstained 0 Absent

**Motion Carried**

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**Motion** made by **Councilor Shananaquet** and **Supported** by **Councilor Yellowbank** to direct Michelle Hadley, to work with Program Directors in developing carry-over budgets and modifications for their 1999 encumbrances.

**Vote:** 7 Yes 0 No 0 Abstained 0 Absent

**Motion Carried**

**Motion** made by **Councilor Wysocki** and **Supported** by **Councilor Anthony** to have the Tribal Council administer the funeral assistance program until Ad Hoc committees are formed to develop the policies and procedures.

**Vote:** 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Yellowbank**)

**Motion Carried**

**Motion** made by **Councilor Wysocki** and **Supported** by **Councilor Shomin** to authorize the Tribal Chairman to sign the Annual Funding Agreement.

**Vote:** 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Yellowbank**)

**Motion Carried**

**Motion** made by **Councilor Anthony** and **Supported** by **Councilor Shananaquet** to approve payment of an additional night's lodging for **Councilor Shomin** due to the lateness of the Tribal Council meeting.

**Vote:** 5 Yes 0 No 1 Abstained (**Councilor Shomin**) 1 Absent (**Councilor Yellowbank**)

**Motion Carried**

**Motion** made by **Councilor Anthony** and **Supported** by **Councilor Shananaquet** to postpone the remaining agenda items until the administrative session on May 7, 2000.

**Vote:** 5 Yes 0 No 0 Abstained 1 Absent (**Councilor Yellowbank**)

**Motion Carried**

**Motion** made by **Councilor Anthony** and **Supported** by **Councilor Shananaquet** to adjourn the Legislative Session of the Tribal Council for April 16, 2000 at 8:40 p.m.

**Vote:** 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Yellowbank**)

**Motion Carried**

**These Minutes have been read and approved as written:**

\_\_\_\_\_  
Dorothy Gasco, Tribal Council Secretary

\_\_\_\_\_  
Date

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